

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

JOSEPH A. ROMANO, P.C.,

Defendant.

Case No. _____

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

Plaintiff, Christopher Sadowski for their Complaint against Joseph A. Romano, P.C., Defendant, alleges as follows:

INTRODUCTION

1. Christopher Sadowski (hereinafter “Plaintiff”), by Plaintiff’s attorneys, brings this action to challenge the actions of Joseph A. Romano, P.C. (hereinafter “Defendant”), with regard to the unlawful use of a copyrighted image (hereinafter “Image”) owned by Plaintiff, and this conduct caused Plaintiff damages.

2. For the purposes of this Complaint for Damages, unless otherwise indicated, “Defendant” includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties,

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subrogates, representatives and insurers of Defendant(s) named in this caption.

JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunction relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendant violated Plaintiff's exclusive rights as copyright owner pursuant to 17 U.S.C. § 106.

4. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over the Defendant because Defendant is doing business in the State of New York and Defendant's acts of infringement complained of herein occurred in the State of New York.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the Defendant is doing business in the State of New York and in this judicial district, and because a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant committed the acts of infringement in the State of New York and in this judicial district.

PARTIES

7. Plaintiff is a natural person who resides in the City of Clifton in the State of New Jersey and is a professional photographer by trade.

8. Plaintiff is a “copyright owner” who holds “exclusive rights” to his “copyrighted work[s]” pursuant to 17 U.S.C. §§ 101 and 106.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is a business entity incorporated in the State of New York, doing business in the City of New York within the State of New York.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant unlawfully published one of Plaintiff’s copyrighted works without Plaintiff’s express or implied authority, by the method of a license.

FACTUAL ALLEGATIONS

11. At all times relevant, Plaintiff is an individual residing within the State of New Jersey.

12. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant was doing business in the State of New York.

13. Plaintiff is a professional photographer by trade. He photographs various individuals, landmarks, vehicles, and other assorted objects, which he then licenses to people and companies seeking to make use of the photographs for advertisements and pecuniary gain. Plaintiff’s

livelihood is dependent on receiving compensation for the photographs he produces.

14. Plaintiff took the original Image, *see* Original Images attached hereto as Exhibit A.

15. Plaintiff has ownership rights and copyrights to the Image.

16. Plaintiff has registered the Image with the United States Copyright Office under registration numbers VA 1-968-137.

17. Plaintiff did not consent to authorize, permit, allow in any manner the use of the Image by Defendant.

18. Plaintiff is informed and believes that Defendant used Plaintiff's copyrighted works without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique works of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

19. Plaintiff is informed and believes that Defendant used the Image on Defendant's website named from September 28, 2015 to around February 29, 2016 *see* Screenshots of Defendant's use attached hereto as Exhibit B.

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20. Defendant used the Image to promote the Defendant's website despite its knowledge that the Image is subject to copyright.

21. Plaintiff did not consent to the use of his Image for commercial gain.

FIRST CAUSE OF ACTION

COPYRIGHT INFRINGEMENT

Title 17 of the United States Code

22. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

23. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.

24. Plaintiff is informed and believes and thereon alleges that said Defendant, willfully breached Title 17 of the U.S. Code used, in that it published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff's consent or authority and acquired monetary gain and market benefit as a result.

25. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to injunctive relief pursuant to 17 U.S.C. § 502(a).

26. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b) or statutory damages in an amount up to \$150,000.00 / \$30,000.00 pursuant to 17 U.S.C. § 504(c).

27. As a result of the Defendant's violations of Title 17 of the U.S. code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant

- Enjoining the Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502(a);
- Awarding statutory damages pursuant to 17 U.S.C. § 504(c) from Defendant;
- Awarding costs of litigation and reasonable attorney's fees, pursuant to 17 U.S.C. § 505, from Defendant; and
- An award of any other relief the Court deems just and proper.

Dated: June 30, 2016

Respectfully submitted,

/s/ Rayminh L. Ngo
Rayminh L. Ngo, Esq.
SBN: RN4834
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8350
(714) 597-6729 facsimile
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Christopher Sadowksi, hereby demands a trial by jury in the
above matter.

Dated: June 30, 2016

Respectfully submitted,

/s/ Rayminh L. Ngo
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